

CIVIL JURY TRIAL CHECKLIST

Final Pretrial Conference

1. Explore the possibility of settlement.
2. Estimate length of trial.
3. Determine trial schedule (Generally 8:30 a.m. through 12:00 p.m. and 1:30 p.m. through 4:30 p.m.); breaks at 10:00 a.m. for 15 minutes and 3:00 p.m. for 15 minutes; motions and preliminary matters handled at 8:00 a.m. and 5:00 p.m.
4. Settle joint statement of the case.
5. Provide final names of witnesses who should be mentioned in voir dire (note pronunciation).
6. a. If not already accomplished, establish all questions for jury questionnaire.

b. If additional oral questions are proposed, rule on them.

c. Explain the voir dire procedure, including the questionnaires.

d. Explain the procedure for asserting a timely Batson challenge.

- e. Discuss the size of the panel and number of strikes (three each side pursuant to 28 U.S.C. § 1870). Discuss the need for additional jurors. See Fed. R. Civ. Proc. 47 and 48 abolishing alternate jurors. Rule of thumb is that an additional juror is required for a trial which is expected to last more than 2 days. Discuss the discretion to add additional strikes for additional alternate jurors.
 - f. Reminder to counsel that there will be a recess while they exercise their peremptory challenges.
7. Discuss and resolve the proposed joint jury instructions. Establish the final date for submission of additional instructions. Require counsel to submit the instructions via email to Chambers mailbox in WordPerfect 9.0 Format.
8. Establish joint proposed forms of verdict and whether there will be any special interrogatories.
9. Determine whether witnesses will be excluded. Explain that counsel will be responsible for explaining that the rule has been invoked and they are not to enter the courtroom and not to discuss their testimony with anyone except counsel for the party for whom they have been subpoenaed to testify or the Court.
10. Be prepared to inform the Court who will be sitting next to counsel at counsel's table.
11. Inform the Court of the need for special courtroom equipment and remind them to meet with Courtroom Deputy and/or Court technology people.
12. [Establish order of trial if multiple parties.]
13. Rule on the procedure for the use of the depositions and all the objections made to the depositions, if there are any.
14. Resolve motions in limine.

15. Resolve

- (a) admissibility of exhibits;
- (b) testimony of witnesses;
- (c) security considerations;
- (d) media arrangements;
- (e) special hearings or motions outside the presence of the jury.

16. Establish dates and times for meeting with Kathleen Zoratti, Courtroom Deputy, for the marking of exhibits and the preparation of those exhibits for trial.

17. Remind counsel that all diagrams are to be drawn during recess, if appropriate.

18. Remind counsel to follow the Court's courtroom decorum.

19. Remind counsel that the jury is instructed prior to closing arguments.

20. Determine whether the jurors will be allowed to ask questions of the witnesses applying Judge Silver's specific procedures for this process. Remind counsel that both counsel must agree.

21. Determine whether the jurors will be allowed to discuss the litigation during the trial and before deliberations applying Judge Silver's specific procedures for this process. Remind counsel that both counsel must agree.

22. Determine whether counsel, along with the Court, would like envelopes labeled with their names for juror feedback.

23. Remind counsel that counsel need to be close at hand for contact during deliberations.

24. Any other matters to be brought to the attention of the Court.